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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,102	03/24/2004	Akihiro Mitsui	00862.023513.	2521
5514 7590 05/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER NGUYEN, VAN H				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,102

Applicant(s)

MITSUI, AKIHIRO

Examiner

VAN H. NGUYEN

Art Unit

2194

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16, 18-21, 23-26 and 28 is/are rejected.
- 7) ☒ Claim(s) 17, 22, and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the application filed 02/05/2008.

Claims 14-28 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14-16, 18-21, 23-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Campbell et al.** (US 6408009 B1).

As to claim 14:

Campbell teaches an information processing apparatus (see the Abstract) comprising:

- an extraction unit configured to extract a conflict resolution rule from the head of a queue (col.4, lines 16-42 and col.11, lines 18-61);

- a determination unit configured to determine whether or not a predetermined control symbol is included in the conflict resolution rule extracted by said extraction unit, wherein the control symbol indicates information on priority of application of the conflict resolution rule over other rules (col.14, line 57-col.15, line 17; and col.23, line 35-col.25, line 14); and
- a processing unit configured to, if it is determined by said determination unit that the control symbol is included in the conflict resolution rule extracted by said extraction unit, remove the control symbol from the conflict resolution rule and insert the conflict resolution rule from which the control symbol is removed into the end of the queue, and if it is determined by said determination unit that the control symbol is not included in the conflict resolution rule extracted by said extraction unit, evaluate the conflict resolution rule extracted by said extraction unit (col.14, line 57-col.15, line 17; and col.23, line 35-col.25, line 14).

As to claim 15:

Campbell teaches an updating unit configured to a user interface of a printer driver based on the evaluation result of the conflict resolution rule by said processing unit (col.4, lines 16-42 and col.14, line 57-col.15, line 17).

As to claim 16:

Campbell teaches said processing unit is configured to, if it is determined in said determination unit that the control symbol is included in the conflict rule extracted by

said extraction unit, describe delay information in a status variable, remove the control symbol from the conflict resolution rule and insert the conflict resolution rule from which the control symbol is removed into the end of the queue, and if it is determined by said determination unit that the control symbol is not included in the conflict resolution rule extracted by said extraction unit, evaluate the conflict resolution rule extracted by said extraction unit after all status variables described therein the delay information are processed (col.14, line 57-col.15, line 17; and col.23, line 35-col.25, line 14).

As to claim 18:

Campbell teaches the control symbol is applied to a conflict rule including a temporary status variable (col.14, line 57-col.15, line 17).

As to claims 19-21 and 23:

Note the rejection of claims 14-16 and 18, respectively. Claims 19-21 and 23 are the same as claims 14-16 and 18, except claims 19-21 and 23 are method claims and claims 14-16 and 18 are system claims.

As to claims 24-26 and 28:

Note the rejection of claims 14-16 and 18, respectively. Claims 24-26 and 28 are the same as claims 14-16 and 18, except claims 24-26 and 28 are product claims and claims 14-16 and 18 are system claims.

Indication of Allowable Subject Matter

3. Claims 17, 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, subject to a final search.

Response to Arguments

4. Applicant's arguments with respect to claims 14-16, 18-21, 23-26, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG-AI AN can be reached at (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/VAN H NGUYEN/
Primary Examiner, Art Unit 2194**